



*Lea*  
**37086-062005**

**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**JUNE 20, 2005  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call. (Mayor Harris was absent.)**

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Beverly T. Fitzpatrick, Jr.

Welcome. Vice-Mayor Fitzpatrick.

**NOTICE:**

Today's Council meeting will be replayed on Channel 3 on Thursday, June 23, 2005, at 7:00 p.m., and Saturday, June 25, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV). CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

Presentation by the 2174<sup>th</sup> Family Readiness Group. Lori Frantz, Group Leader.

**A certificate with the following inscription was presented to the Members of Council and the City Sheriff by the Employer Support of the Guard and Reserve:**

- The National Committee for Employer Support of the Guard and Reserve recognizes Roanoke City Council and the

**Roanoke City Sheriff's Department as a Patriotic Employer for Contributing to National Security and Protecting Liberty and Freedom by Supporting Participation in America's National Guard and Reserve Force."**

**File #80-121-132**

Presentation with regard to the Rebuilding Together - Roanoke program. Earl Saunders, President, and Edward M. Murray, Executive Director.

**A certificate with the following inscription was presented to the City of Roanoke by Roanoke Valley Rebuilding Together:**

**"On Behalf of Grateful Homeowners Across the Roanoke Valley Rebuilding Together Would Like to Thank the City of Roanoke - Rebuilding Day 2005 Housing Sponsor."**

**File #80-178-184**

**3. CONSENT AGENDA  
Approved (6-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meeting of Council held on Monday, May 2, 2005, recessed until Wednesday, May 4, 2005, and Tuesday, May 10, 2005.  
**RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.**

- C-2 A communication from Vice-Mayor Beverly T. Fitzpatrick, Jr., requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.**

**File #110-132**

- C-3           A communication from Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the annual performance of two Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.**

**File #132**

- C-4           A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.**

**File #2-132**

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS:**

- a.       Remarks with regard to the Crystal Spring Avenue parking study. W. Jackson Burrows, Spokesperson. (Sponsored by Mayor C. Nelson Harris and Vice-Mayor Beverly T. Fitzpatrick, Jr.)

**A proposed plan for additional parking on Crystal Spring Avenue, S. W., between 22nd and 23rd Streets, was referred to the City Manager for study, report and recommendation to Council.**

**File #20**

### **6. REPORTS OF OFFICERS:**

- a.       CITY MANAGER:

#### **BRIEFINGS:**

- |                                 |            |
|---------------------------------|------------|
| •       Civic Center Phase II   | 10 minutes |
| •       Upkeep of Roanoke River | 20 minutes |

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of 2005–2006 Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant Program funds.  
**Adopted Budget Ordinance No. 37086–062005 and Resolution No. 37087–062005. (6–0)**  
**File #60–178–236**
2. Acceptance of the Virginia Opportunity Region Grant from the Virginia Economic Development Partnership; and appropriation of funds.  
**Adopted Budget Ordinance No. 37088–062005 and Resolution No. 37089–062005. (6–0)**  
**File #60–236–450**
3. Acquisition of certain property rights in connection with construction of a new Fire–EMS Station on Williamson Road, N. W.  
**Adopted Ordinance No. 37090–062005. (6–0)**  
**File #70**
4. Appropriation of funds from the Governor’s Opportunity Fund in connection with the Maple Leaf Bakery Development Project at the Roanoke Centre for Industry and Technology.  
**Adopted Budget Ordinance No. 37091–062005. (6–0)**  
**File #60–207–450**
5. Appropriation of funds for the Downtown Family YMCA Aquatic Center and Greenways Development Projects.  
**Adopted Budget Ordinance No. 37092–062005. (5–1 Council Member Wishneff voted no.)**  
**File #60–100–379**
6. Appropriation of funds for vehicle repair and year–end close out needs.  
**Adopted Budget Ordinance No. 37093–062005. (6–0)**  
**File #60**

7. Execution of an Assignment of Agreement between the City of Roanoke, the Western Virginia Foundation for the Arts and Sciences and the Art Museum of Western Virginia; and execution of Amendments of Agreement between the City of Roanoke and the Art Museum of Western Virginia, in connection with design, development and construction of a new building or complex to house an Art Museum.  
**Adopted Resolution No. 37094-062005. (6-0)**  
**File #416**
8. Execution of an agreement with the Roanoke Valley Convention and Visitors Bureau to provide funds for marketing the Roanoke Valley as a convention and destination tourism site.  
**Adopted Resolution No. 37095-062005. (6-0)**  
**File #293-336-398**
9. Execution of lease agreements at First Campbell Square for the VISSTA Area Training Center.  
**Adopted Ordinance No. 37096-062005. (6-0)**  
**File #72-373**
10. Approval of transfer and assignment of a Temporary Nonexclusive Revocable License Agreement between the City of Roanoke and KMC Virginia to TelCove, Inc., and/or TelCove of Virginia, LLC, upon certain terms and conditions, in connection with a telecommunications system or facilities in certain portions of the public ways within the City of Roanoke.  
**Adopted Resolution No. 37097-062005. (6-0)**  
**File #322**
11. Transfer of \$1,740,000.00 in connection with the Southern Hills Drive – Street and Drainage Improvements Project.  
**Adopted Budget Ordinance Nos. 37098-062005 and 37099-062005. (6-0)**  
**File #27-60-514**

b. DIRECTOR OF FINANCE:

1. A report transmitting a request of the School Board for appropriation of \$300,000.00 for the Food Service Program, which represents additional costs incurred by the program throughout fiscal year 2005.

**Adopted Budget Ordinance No. 37100-062005 (6-0)  
File #60-467**

**7. REPORTS OF COMMITTEES: NONE.**

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Vice-Mayor and Members of City Council.

**Council Member Dowe acknowledged recipients of the B'nai Brith Athletic Achievement Awards which were presented on May 23, 2005.**

**File #80-132**

**Council Member Dowe congratulated organizers of and participants in the American Cancer Society Relay For Life. He also commended organizers of and participants in the Miss Virginia Pageant which will be held in the City of Roanoke on June 20-25, 2005. He wished all fathers in the Roanoke Valley a belated and happy Father's Day.**

**File #80-132**

**Council Member Wishneff requested that the City Manager investigate the feasibility of establishing a dog park in the City of Roanoke.**

**File #54-67-132**

**Council Member Lea referred to the recent court ruling with regard to the methadone clinic on Hershberger and Cove Roads, N. W., and inquired as to future steps to be taken. The City Attorney responded that the City of Roanoke is not a party to the law suit and at some point an evidentiary hearing will be held to allow both parties in the case to present evidence that will enable the judge to rule on the motion before the court.**

**File #76-132**

**Council Member Cutler advised that he represented the City of Roanoke at the Ribbon Cutting Ceremony for the new Roanoke Academy for Mathematics and Science on Sunday, June 12, 2005, and encouraged Roanoke's citizens to visit the facility.**

**File #132-467**

**Council Member Cutler called attention to volunteer efforts by approximately 130 persons, representing a total of 1,738 hours of labor, to improve biking and hiking trails at the Carvins Cove Natural Reserve.**

**File #132-379-468**

**Council Member Cutler congratulated Downtown Roanoke, Inc., for hosting "Movies in the Park" in Elmwood Park.**

**File #80-132-277**

Council Member Cutler referred to an article in the Sunday, June 19, 2005 edition of *The Roanoke Times* under the caption, "Working in the Shadows", with regard to day laborers in the City of Roanoke. He quoted a sentence from the article that referred to a "crack market" in the area of the main library in downtown Roanoke and asked that the City Manager investigate the statement and report to Council.

File #76-132

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Mr. Shaheed Omar, 1219 Loudon Avenue, N. W., advised that he addressed Council at its meeting on Monday, April 18, 2005, with regard to the issue of police brutality and again addressed the Council on Monday, May 2, 2005, with recommendations for changes to the City's police complaint process. He expressed concern that to date, he has not received a response from the City.

File #5

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of renovation of Victory Stadium and expressed concern that the 4th of July celebration will not be held at Victory Stadium this year. If the City plans to spend \$136,000.00 on improvements to the stadium for high school football, he suggested that another \$150,000.00 be spent to repair seats and renovate rest-rooms.

File #122-467

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that some time ago, pursuant to action taken by a previous Council, the Gainsboro community was targeted for urban renewal, and inquired if Gainsboro is still considered to be a redevelopment area. She referred to a previous statement that a dog park is under consideration for recommendation by City staff, yet several years ago, Gainsboro residents supported a play area for children which is included in the City's Comprehensive Plan as green space; however, recently they were advised that the space may be used for construction of houses. She called attention to the accumulation of trash in certain sections of the City where residents fill the large blue trash receptacles to capacity. She referred to weed and trash abatement violations and the appearance that some City inspectors earmark certain areas of the City to issue citations, while other areas of the City are ignored, therefore, she asked that there be consistency in enforcement activities throughout the entire City. She suggested that the City enact a "scoop the poop" program to help keep the City clean.

File #5-67-144-178-447

Mr. E. Duane Howard, 1135 Wasena Avenue, S. W., advised that the Mill Mountain Star, which is one of the City's greatest tourist attractions, should be open to the general public 24 hours a day. He referred to proposed amendments to the City's Rental Inspection Program which is scheduled to be heard at the Council's 7:00 p.m. session and stated that the proposed ordinance will be ineffective in addressing Roanoke's rental properties and he would present further information to substantiate his statement at the 7:00 p.m. public hearing.

File #67-402

## **12. CITY MANAGER COMMENTS:**

**On a personal note, the City Manager advised that she recently became a grandmother for the fifth time with the birth of a baby girl.**

**File #104**

**The City Manager advised that she serves on the Board of Directors of the Innovations Group and attended the recent Transforming Local Government Conference in Sarasota, Florida, at which time the City of Roanoke received the J. Robert Howland Outstanding Achievement Local Government Innovation Award for the Solid Waste Management Roanoke Auxiliary Cab.**

**File #104-144**

**The City Manager advised that a team of 72 City employees and their family and friends participated in the American Cancer Society's Relay for Life on June 17 - 18, 2005 and raised approximately \$4,800.00.**

**File #80-184**

**The City Manager advised that the Colonial Green site will be cleared for construction of new houses and infrastructure this week.**

**File #178**

**In response to previous remarks made by Ms. Evelyn D. Bethel, the City Manager advised that designation of the Gainsboro community as a redevelopment area is still an active designation. She stated that the property referenced by Ms. Bethel for a park is owned by the Roanoke Redevelopment and Housing Authority, correspondence has been forwarded to a number of persons in the Gainsboro community, and a copy will be forwarded to Ms. Bethel. Insofar as designating the land as a**

**play area, she advised that the City's Department of Parks and Recreation has encouraged use of another site which is more conducive to a play area for children.**

**File #67-178**

**CERTIFICATION OF CLOSED SESSION. (4-0) Mayor Harris and Council Members Lea and Wishneff were absent.**



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**JUNE 20, 2005  
7:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**Call to Order -- Roll Call. (Mayor Harris was absent.)**

The Invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

Welcome. Vice-Mayor Fitzpatrick.

**NOTICE:**

Tonight's Council meeting will be replayed on Channel 3 on Thursday, June 23, 2005, at 7:00 p.m., and Saturday, June 25, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **A. PUBLIC HEARINGS:**

1. Request of East Gate Church of the Nazarene to permanently vacate, discontinue and close a portion of 21<sup>st</sup> Street, N. E. James W. Conner, Head Trustee, Spokesperson.  
**Adopted Ordinance No. 37101-062005. (6-0)**  
**File #514**
2. Request of Warehouse 315 LLC to rezone property located at 315 Albemarle Avenue, S. E., from HM, Heavy Manufacturing District, to C-3, Central Business District. Donald L. Wetherington, Attorney.  
**Adopted Ordinance No. 37102-062005. (6-0)**  
**File #51**
3. Proposal of the City of Roanoke to amend Vision 2001-2020, the City's Comprehensive Plan, to include the Hollins/Wildwood Area Plan. R. Brian Townsend, Agent, City Planning Commission.  
**Adopted Ordinance No. 37103-062005. (6-0)**  
**File #200-424**
4. Proposal of the City of Roanoke to adopt a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds of the City, in the principal amount of \$12,875,000.00, for the purpose of providing funds to pay the cost of the following capital improvement projects: Art Museum Project – \$3,700,000.00, Public Parking Facilities – \$2,600,000.00, Financial Information System Project – \$2,600,000.00, and Acquisition of Land for Redevelopment – \$3,975,000.00. Darlene L. Burcham, City Manager, and Jesse A. Hall, Director of Finance.  
**Adopted Resolution No. 37104-062005. (6-0)**  
**File #53-217**
5. Proposal of the City of Roanoke to amend the City Code to establish Rental Inspection Districts in order to comply with State Code regulations. Darlene L. Burcham, City Manager.  
**Adopted Ordinance No. 37105-062005. (6-0)**  
**File #402**

6. Proposal to convey City-owned property located at 5268 Aviation Drive, N. W., to the Roanoke Regional Airport Commission. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 37106-062005 and Budget Ordinance No. 37107-062005. (6-0)**  
**File #2-9-166**

7. Proposal to convey certain City-owned property located on Luck Avenue, S. W., to the American National Red Cross in exchange for certain property owned by the Red Cross, in connection with the Downtown Parking Garage Project.

**Adopted Ordinance No. 37108-062005. (6-0)**  
**File #2-142-166**

## **B. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

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**Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that if the City spends over \$136,000.00 for Victory Stadium improvements to accommodate high school football, the City could spend additional funds to renovate rest-rooms and locker facilities. He stated that Victory Stadium is currently handicapped accessible; and the second floor of the facility could be used for emergency medical services purposes and a museum honoring sports figures from the Roanoke Valley.**  
**File #122**

**Council amended its policy to provide that the City Clerk is instructed to advertise for applications for vacancies on the City Planning Commission, Board of Zoning appeals, Architectural Review Board, Industrial Development Authority, Roanoke Regional Airport Commission and the Roanoke Redevelopment and Housing Authority, unless otherwise directed by the Council.  
File #9-51-178-200-207-249**

**The following persons were reappointed to boards and commissions:**

**Roanoke Arts Commission  
File #110-230**

**Frank J. Eastburn, Susan W. Jennings, and Nelett H. Lor, for terms ending June 30, 2008.**

**Roanoke Valley Greenways Commission  
File #110-379**

**Barry W. Baird for a term ending June 30, 2008.**

**Roanoke Public Library Board  
File #110-323**

**Pamela S. White and Stanley G. Breakell for terms ending June 30, 2008.**

**Court Community Corrections Program Regional Community Criminal Justice Board  
File #110-242**

**Julian H. Raney, Jr., and John B. Ferguson for terms ending June 30, 2008.**

**Board of Trustees,  
City of Roanoke Pension Plan  
File #110-429**

**George F. Taylor for a term ending June 30, 2009.**

**Roanoke Valley Convention and Visitor's Bureau  
File #110-293**

**A. Morris Turner, Jr., and Barton W. Wilner for terms ending June 30, 2006.**

**Towing Advisory Board  
File #110-543**

**Robert R. Young for a term ending June 30, 2008.**

**Mill Mountain Advisory Committee  
File #67-110**

**Richard Clark, Betty Field, Steven Higgs, Louise F. Kegley, Carl H. Kopitzke, Michael A. Loveman, E. C. Pace, III, and Eddie Wallace for terms of three years each, ending June 30, 2008.**

**(By consensus, Council changed the terms of office from one year to three years.)**